

PROCEDURAL GUIDE FOR NAVY SUPPORT AGREEMENTS

A. INTRODUCTION

1. Purpose. This guide has been developed to assist Navy personnel in preparing, reviewing, and maintaining inter and intraservice agreements for base-level support services with other Navy, DoD, or government activities.

2. Objective. It is DoD and Navy policy to eliminate unnecessary resource duplication and to seek increased economies and effectiveness by cooperating with other DoD components and federal agencies needing support. Support agreements should be developed whenever one activity can provide recurring reimbursable support to another without jeopardizing either organization's assigned mission.

3. Concept. Support agreements formally document arrangements for supplying and receiving reimbursable support. They are optional for non-reimbursable support which may be documented under a memorandum of agreement (MOA). The Support Agreements Manager (SAM) for the supplying activity, serving as the focal point for the receiving activity, merges provisions concerning the affected functional areas into a single document or support agreement outlining the terms of the agreement. The support agreement functions as a contractual document between the supplying and receiving activities, stating the accord reached between the supplying and receiving activities and documenting each party's responsibilities. Each support agreement specifies the kinds and levels of support to be provided by the supplying activity, reimbursement arrangements as applicable, and any other matters affecting execution of the agreement. Support agreements should be prepared and executed at the lowest feasible organizational level, normally at the installation level.

B. APPLICABILITY. Enclosure (1) provides the basic guidance for the DoD support agreements program. This enclosure provides amplifying policies and procedures that implement enclosure (1) for Navy activities. Intraservice support between Navy activities should also be provided and documented under the procedures outlined in enclosure (1) and this enclosure.

C. REIMBURSEMENT POLICY. This guidance is designed to provide a flexible framework for implementing interservice support agreements. Variances with enclosure (1) and other Services interpretations will be resolved on an individual case basis. The following paragraphs clarify certain sections of the DoD instruction as it applies to DON hosts and tenants. Navy activities should comply with this policy when negotiating support agreements. This guidance will be incorporated into the

DON Financial Management Policy Manual at the next change. There have been fundamental changes to interservice support policy at the DoD level over the past several years. These changes have created some inconsistencies in the way host/tenant support policies have been implemented, both within DON and between military departments. Consequently, implementation of the current instruction may result in changes in the basis of support and require realignment of resources. Any changes in funding responsibilities should be carried out in accordance with paragraph 075003 of the DON Financial Management Policy Manual.

1. Defense Business Operations Fund (DBOF) Host Activities. Navy host activities which operate under the DBOF must differentiate between costs which support their DBOF mission and costs which support their mission as a host activity. All costs which support the DBOF mission, including base operations support of the DBOF activity, are funded through the DBOF and recouped in rates. Nonreimbursable support provided to tenants is not part of the DBOF mission and should not be funded in DBOF rates. Operation and Maintenance funds provided by the major claimant should be charged for all nonreimbursable tenant support costs incurred by a host activity.

2. DBOF Tenant Activities. DBOF activities which are tenants on Navy installations will reimburse the host activity for all identifiable incremental support provided by the host on the same basis as non-DBOF tenants. Host activities should not attempt to prorate or allocate indirect costs to any tenant activity.

3. DBOF Supporting Activities. Activities which are tenants on an installation and provide services to other activities on the installation (including the host activity) are called supporting activities. Services provided by the supporting activity should be within the mission of the activity (e.g. Public Works Centers which provide facilities maintenance and repair). Supporting activities which operate under the DBOF will charge the applicable DBOF rate for services provided to other activities.

4. Common-Service/Cross-Service Support. Within DON, certain functions have been determined to be common support functions. These functions are identified in paragraph 075123 of the DON Financial Management Policy Manual. Common support functions, when provided by the host activity, are provided to tenants on a non-reimbursable basis. Other functions are designated as administrative base support functions. These functions are usually provided to all tenants on a non-reimbursable basis. In some cases, however, a tenant may have an unusual requirement which causes the host to incur an additional,

out-of-pocket cost specifically for the administrative base support provided to that tenant. If the additional cost is significant and can be segregated by the host on a meaningful basis without proration, the additional cost may be charged to the tenant activity. All support functions not identified specifically in the appropriate paragraphs of the Financial Management Policy Manual are subject to reimbursement by the tenant activities on the basis set forth in enclosure (1).

5. Navy Specific Guidance. In certain instances, Navy's designation of functions as cross-service or common-service support may differ from the interpretation in the DoD Instruction. Navy host activities should follow the DON guidance in determining which services should be reimbursed by tenants. Navy activities that are tenants on non-Navy installations should use the DON guidance as a starting point for negotiations with host activities. Final determinations of what support will be reimbursable and at what levels will rely heavily on negotiations keyed to the particular circumstances at the local level, using the guidelines in paragraph 4. The goal, as always, is to ensure the provision of needed services on a fair and equitable basis. Some specific categories from enclosure (1) which are designated differently by the DON are listed below.

a. Facilities Maintenance and Repair. Host activities are responsible for costs incurred for the preservation of facilities in the real property inventory of the host as described in paragraph 075121 of the Financial Management Policy Manual. Routine cyclical preventive maintenance of real property remains the responsibility of the host and is not customarily reimbursable by tenant activities as indicated in enclosure (1).

b. Civilian Personnel Services. Human Resource Offices in the DON are mission funded by the applicable major claimant to provide civilian personnel services. These services are not customarily reimbursable by tenant activities as indicated in enclosure (1) unless the tenant is a DBOF activity. DBOF tenants should reimburse the host activity for the incremental cost of civilian personnel services.

c. Education Services. Education services provided by Family Service Centers, Navy Campus offices or similar organizations are mission funded. These services are not customarily reimbursable by tenant activities as indicated in enclosure (1).

d. Military Personnel. Personnel Support Activities and Detachments which provide military personnel support are mission funded activities. These services are not customarily reimbursable by tenant activities as indicated in enclosure (1).

Except for the categories specifically identified above, the determination of whether or not a base support service is reimbursable will be made according to the criteria in enclosure (1).

D. ACTIVITY LEVEL RESPONSIBILITIES

1. Approving Authority. The approving authority is the individual authorized to commit resources for the supplier or receiver on Block 8c of the DD 1144.

2. Support Agreements Manager (SAM). The SAM is the individual designated by the commanding officer of a supplying or receiving activity to administer the activity's support agreements' program. The supplying activity's SAM coordinates development of support agreements; compiles approved provisions into a final agreement and submits it with source documentation to the Comptroller for validation of financial data and to the approval authority for signature; and maintains a central file of the activity's support agreements.

The receiving activity's SAM performs essentially the same functions, coordinating issues from the perspective of the receiver.

3. Comptroller. The supplying activity's comptroller plays an integral part in a successful support agreements program, particularly under the Defense Business Operating Fund (DBOF). The comptroller: ensures appropriate billing activities are accomplished; reviews support agreements to validate financial information; and determines funding responsibilities identified in support agreements.

The receiving activity's comptroller performs essentially the same functions from the perspective of the receiver.

E. NEGOTIATING SUPPORT AGREEMENTS

1. Process. The negotiating process is initiated for all new support agreements and for their revisions, reviews, and terminations and begins when the supplier's SAM receives a request from the receiver's SAM (This request may consist of a draft support agreement, letter of requirements, or both. In all cases, the receiver must specify support requirements by support category in sufficient detail to enable the supplier to evaluate capability and cost.).

a. The negotiation process typically includes the following actions:

(1) The supplier's SAM reviews the request, determines appropriate actions required, submits the request to the affected functional managers, and develops a milestone plan for the negotiation process.

(2) The functional managers review the request to: determine their capability to provide the requested support; the impact on their missions; and identify costs and resources to provide the support. (This effort requires coordination with the comptroller's office.)

(3) The supplier's SAM, working with the functional managers, develops a draft support agreement that includes: specific provisions relating to the support, and total staffing requirements and funding obligations associated with the requested support.

(4) The supplier's SAM submits the draft agreement to the receiving activity for review and coordination.

(5) The receiving activity reviews the agreement, identifies any changes required, and determines if the support agreement will provide the most economical method of acquiring the support.

(6) The supplier's SAM initiates renegotiations for any functional areas or specific provisions not acceptable to the receiver. (Any differences that cannot be resolved at the local level are elevated through the appropriate chains of command. Differences that cannot be resolved at the major claimant level will be elevated to the appropriate Navy functional manager e.g. CNO (N41) for transportation issues; CNO (N65) for information management issues; etc., with information copies to CNO (N47).)

(7) The supplier's SAM prepares the final support agreement with all attachments and submits it to the comptroller for final review of financial data; the receiving activity for final review and signature; and finally, the supplier's approval authority for signature.

(8) The supplier's SAM then distributes copies of the support agreement.

2. Specific Provisions. Most support agreements require specific provisions to clarify the procedures associated with providing the requested support. The nature and extent of these specific provisions will vary with the individual circumstances deriving from the kinds of support provided. This guide purposely provides only general guidance and direction to provide

activity-level personnel with the flexibility to tailor their support agreement to reflect local considerations.

a. Specific provisions may be identified when support requirements cannot readily be addressed by reference to existing directives or standard operating procedures. In such cases, the functional manager should, as part of the negotiation process, ensure the stipulated provisions accurately describe the support provided.

b. Specific provisions must clearly define the terms and conditions of the support agreement, including, as appropriate, special instructions or requirements, standards of performance with criteria for measuring performance, and a cost breakout. The format should provide the basis used to estimate the actual annual costs of the support provided (Blocks 7b and 7c). Depending on the services requested, specific provisions for each category of support for each agreement may be different. Standard statements may not always be acceptable to both parties. The following checklist is provided to assist the supplying activity's functional managers and SAMs in developing specific provisions:

(1) Review the receiver's request to extract workload requirements including any special requirements.

(2) Review functional regulations and directives to identify services that can or cannot be provided.

(3) Review the supplier's and receiver's mission statements and planning documents to determine availability of support, especially if the support is to continue during wartime.

(4) Prepare a list of functions the supplier's organization can support based on current capabilities. Ensure this list identifies applicable references and programmed capabilities.

(5) Compare current and programmed capabilities against requested services.

(6) Prepare a draft of available services and determine the impact of providing these services on mission accomplishment.

(7) Identify for each available service what can be provided and what procedures the receiver must follow to acquire the service.

(8) Identify applicable regulations, directives, standard operating procedures, and so on as appropriate for the

services to be provided. (Most functional directives provide standards of performance and performance measures. In such cases, the applicable documents should be referenced rather than reiterating this information in the specific provisions.)

(9) Coordinate the proposed specific provisions with the receiver's SAM and functional representatives.

(10) Review any changes proposed by the receiver.

(11) Prepare the final package, ensuring that it: identifies all the specific services to be provided; specifies procedures to request these services; identifies any special instructions or requirements; incorporates standards of performance or references functional directives as appropriate; and is consistent with other existing support agreements.

COMPLETING THE DD FORM 1144

Block 1: The agreement number is assigned by the supplying activity's SAM. Any suitable numbering system that assigns a discrete number to each separate support agreement may be used.

Blocks 2 & 3: Self-explanatory.

Block 4: Normally, the expiration date will be "Indefinite." A specific date may be used if desired by either of the parties.

Block 5a & 6a: Self-explanatory.

Block 5b & 6b: Insert the name of major claimant.

Block 7a: Enter the title of the support category as listed in enclosure (6) of enclosure (1). Given the general nature of many of the definitions of support categories in DoDI 4000.19, SAMs will also need to enter the title of the specific element of support being provided.

Block 7b: Enter the basis for reimbursement established in concert with the comptroller and the functional manager.

Block 7c: Enter estimated annual costs.

Block 8: Unless otherwise restricted by the chain-of-command, signatures should be made at the lowest organizational level within the supplying or receiving command authorized to make binding commitments affecting the provision of support, resources, and funding on behalf of that command.

Block 9 & 10: See instructions for Block 8.

Block 11a-f: Self-explanatory. Additional general provisions may be added as required.

Block 12: This portion of the support agreement defines the specific terms and conditions of the agreement including, more precise definitions of the categories of support being provided, breakdowns of costs, special or unique considerations for certain categories of support, and standards of performance and criteria for measuring performance.